

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor:	Erik O. Martz	
Appln. No.:	10/520,794	
Filed:	January 10, 2005	Examiner: R. Anuradha
	Chisels and Procedure for Insertion of Spinal Implant	Group Art
Title:	in a Spinal Disc Space	Unit: 3775

**REQUEST FOR REFUND TO DEPOSIT ACCOUNT UNDER 37 CFR § 1.26**

**Mail Stop 16**

Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to credit a refund to Deposit Account No. 04-1420 for an overpayment which seems to have occurred in the processing of the above-identified patent application.


Specifically, on November 23, 2009, Applicants filed a Response to Restriction Requirement, along with the authorization for the Commissioner of Patents to charge the amount of \$865.00 in the above-identified patent application. Applicants respectfully submit that in calculating the extension of time fees, an error occurred in the determination, i.e., the fee should have been for only a three month extension of time, or \$555.00, rather than a four month extension of time, or \$865.00.

Therefore, pursuant to 37 C.F.R. § 1.26(a) and, as evidenced by the charge that appears on the Electronic Acknowledgement Receipt (copy attached), Applicants respectfully request a refund of \$310.00 to be credited to Deposit Account No.04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

Date: 12/16/09

By:   
Kenneth E. Levitt, (Reg. No. 39,747)  
Intellectual Property Department  
Suite 1500, 50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-2755

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	6503095
<b>Application Number:</b>	10520794
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9963
<b>Title of Invention:</b>	Chisels and procedure for insertion of spinal implant in a spinal disc space
<b>First Named Inventor/Applicant Name:</b>	Erik O. Martz
<b>Correspondence Address:</b>	William Squire Carella Byrne Bain Gilfillan Cecchi Stewart & Olstein 5 Becker Farm Road Roseland NJ 07068 US -
<b>Filer:</b>	Adam M. Bramwell/Julie Wang
<b>Filer Authorized By:</b>	Adam M. Bramwell
<b>Attorney Docket Number:</b>	525400-343
<b>Receipt Date:</b>	23-NOV-2009
<b>Filing Date:</b>	10-JAN-2005
<b>Time Stamp:</b>	11:15:53
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$865

RAM confirmation Number	7641				
Deposit Account	041420				
Authorized User					
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</p>					
<b>File Listing:</b>					
<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>
1		189512US2resptoRRandPOA.pdf	855523 3451a7d3f3846c0971f69fa16da0714534d2b83d	yes	19
	<b>Multipart Description/PDF files in .zip description</b>				
	<b>Document Description</b>	<b>Start</b>	<b>End</b>		
	Response to Election / Restriction Filed	1	1		
	Claims	2	11		
	Applicant Arguments/Remarks Made in an Amendment	12	13		
	Miscellaneous Incoming Letter	14	14		
	Power of Attorney	15	15		
	Assignee showing of ownership per 37 CFR 3.73(b).	16	19		
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30477 b897adb6be71a5f13abd0b68e48a80b53a7a8c54	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			886000		

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**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.